



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Appeal(MD) No.1066 of 2014

and

M.P(MD)No.1 of 2014

1.The District Collector,
Virudhunagar, Virudhunagar District.

2.The Commissioner, Rajapalayam Panchayat Union,
Rajapalayam,
Virudhunagar District.

... Appellants/Respondents 1 & 2
Vs.

1.Sadasivam Secretary,
Hindu High School, Unjampatti,
Virudhunagar District.

.. Petitioner/1st Respondent

2.K.Murugeswari

3.Muthukamatchi

... Respondents 3 & 4/Respondents 2&3

Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 26.02.2013 made in W.P.(MD)No.4559 of 2007.

Prayer in WP(MD)No.4559 of 2007

Petition filed under Article 226 of the constitution of India, for issuance of a writ of Certioranified Mandamus calling for the records in Na.Ka.No.R3/7174/2006 dated 06.03.2007 on the file of the first respondent, quash the same and consequently to direct the first respondent to approve the appointment of the third respondent as Nutritious Meal center cook in Hindu High School, Unjampatti with effect from 6.11.2006.

For Appellants	: Mr.C.Selvaraj, Special Government Pleader.
For 1 st Respondent	: Mr.N.Tamilmani
For 2 nd Respondent	: Mr.A.R.Jeyarhuthran

JUDGMENT

(Judgment of the Court was delivered by V.RAMASUBRAMANIAN,J)

The State has come up with the above appeal challenging an order of the learned Judge allowing the writ petition filed by the management of a private aided school for the grant of approval of the appointment of a (*) cook.

2. Heard Mr.C.Selvaraj, learned Special Government Pleader for the appellants, Mr.N.Tamilmani, learned counsel for the first respondent and Mr.A.R.Jeyarhuthran, learned counsel for the second respondent.



3.The post of (*)cook in the first respondent school which is a private aided school fell vacant, due to the death of the incumbent on 16.03.2004. The District Collector constituted a committee as per G.O.Ms.No.11, Social Welfare and Nutritious Meal Programme Department, dated 22.01.2007 for filling up the vacancy. But they could not select any candidate.

4.Therefore, the management of the school published advertisements in the newspaper, invited applications and selected the second respondent herein for appointment. The appellants refused to grant approval forcing the management to come up with the writ petition. The writ petition was allowed by the learned Judge forcing the District Collector to come up with the above appeal.

5.The main grievance of the District Collector is that when a procedure is prescribed under a Government Order for the selection of candidates, the same cannot be made a dead letter.

6.But unfortunately, this is not a case where the management of the aided school completely bypassed the authority of the appellants. The matter of selection was left open to the selection committee constituted by the District Collector. But the committee could not select any candidate. As a consequence, the Noon Mean Centre suffered. This is why the school took initiative to make newspaper publications in leading newspapers and selected the second respondent. Hence, we do not find any mistake in the order of the learned Judge. Therefore, the writ appeal is dismissed. No costs. Consequently, M.P(MD)No.1 of 2014 is closed.

Sd/-

Assistant Registrar (W)

**(*)Corrected as per order of
this Court dt: 21.12.2015.**

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

sms

To

To be substituted the order copy already despatched on 04/12/2015

1.The District Collector, Virudhunagar,
Virudhunagar District.

2.The Commissioner, Rajapalayam Panchayat Union,
Rajapalayam, Virudhunagar District.

+1CC to Mr.N.Tamilmani Advocate Sr.No.65784

+1CC to Spl.Government Pleader Sr.No.65763

GJM/KBM/2.12.2015-2P-4C

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